IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

United States of America,)					
	Plaintiff,) 8:008MJ128)			
	vs.) DETENTION ORDER			
Lui	s Cuevas-Aguilar,)			
	Defendant.)			
A.	A. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).				
B.	conditions will reasonably assure the required. By clear and convincing evidence to the conditions will reasonably assure the required.	because it finds: te that no condition or combination of the appearance of the defendant as			
C.	X (1) Nature and circumstances of the X (a) The crime: False Social of Visas, Permits, and Control Theft is a serious crime and control imprisonment. (b) The offense is a crime of the control (c) The offense involves a control to the control (c) The offense involves a control to the contro	ervices Report, and includes the following: ne offense charged: al Security Statement, Fraud and Misuse Other Documents, Aggravated Identity earries a maximum penalty of 10 years of violence.			
	(2) The weight of the evidence aga X (3) The history and characteristics (a) General Factors:	<u> </u>			

DETENTION ORDER - Page 2

	The defendant appears to have a mental condition which may affect whether the defendant will appear. The defendant has no family ties in the area. X The defendant has no steady employment. X The defendant has no substantial financial resources. The defendant is not a long time resident of the	
	community. X The defendant does not have any significant community	
	ties Past conduct of the defendant:	
		
	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings.	
	(b) At the time of the current arrest, the defendant was on:	
	Probation	
	Parole Release pending trial, sentence, appeal or completion of	
	sentence.	
	(c) Other Factors:	
	The defendant is an illegal alien and is subject to	
	deportation The defendant is a legal alien and will be subject to	
	deportation if convicted.	
	X The Bureau of Immigration and Customs Enforcement	
	(BICE) has placed a detainer with the U.S. Marshal.	
	Other:	
(4)	The nature and seriousness of the danger posed by the defendant's release are as follows:	
(5)	Rebuttable Presumptions	
	In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the	
	safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or	

	(An offense for which the maximum penalty is life imprisonment or death; or
	(3) A controlled substance violation which has a maximum penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of
		two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial
		release.
(b)	assure th safety of	ondition or combination of conditions will reasonably e appearance of the defendant as required and the the community because the Court finds that there is cause to believe:
	•	 That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
	(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

D. Additional Directives

DETENTION ORDER - Page 3

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 1, 2008.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge